



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 14, 1997

Mr. Joe B. Hairston
Walsh, Anderson, Underwood, Schulze & Aldridge
P.O. Box 2156
Austin, Texas 78768

OR97-0347

Dear Mr. Hairston:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103725.

The Liberty Hill Independent School District (the "district"), which you represent, received a request for "a correspondence November 8 between the Liberty Hill Independent School District Board of Trustees and Superintendent Dale Bohannon following an executive session that started at 7 a.m." You claim that the requested document is excepted from disclosure by sections 552.101, 552.102, and 552.111. We have considered the exceptions you claim and have reviewed the document at issue.

You argue that the document at issue is an evaluation made confidential by the Education Code. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. In the last legislative session, Senate Bill 1 was passed, which added section 21.355 to the Education Code. Section 21.355 provides that, "[a]ny document evaluating the performance of a teacher or administrator is confidential." This office recently interpreted this section to apply to any document that evaluates, as that term is commonly understood, the performance of a teacher or administrator. Open Records Decision No. 643 (1996). We enclose a copy of Open Records Decision No. 643 (1996) for your information. In that opinion, this office also concluded that an administrator is someone who is required to hold and does hold a certificate required under chapter 21 of the Education Code and is administering at the time of his or her evaluation. *Id.* Based on the reasoning set out in Open Records Decision No. 643 (1996), we conclude that the document you have submitted is confidential under section 21.355 of the Education Code. Therefore, pursuant to section 552.101 of the Government Code, the district must withhold the requested information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 103725

Enclosures: Submitted documents
Open Records Decision No. 643 (1996)

cc: Ms. Kathy Metcalfe
Williamson County Sun
P.O. Box 39
Georgetown, Texas 78626
(w/o enclosures)